

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

November 10, 2004

P. Sartorius called the meeting to order at 4:10 p.m., and roll was taken.

MEMBERS PRESENT: B. Mazade, P. Sartorius, T. Johnson, B. Smith, L. Spataro

MEMBERS ABSENT: S. Warmington, excused; T. Michalski, excused; J. Aslakson; T. Harryman

STAFF PRESENT: L. Anguilm, M. Cameron, J. Kinney, H. Griffith

OTHERS PRESENT: B. Moore, 1873 Harrison; J. Doom, 1185 7th St.; J. Krukowski, 2828 Oak Grove; M. Anderson, 2140 McCracken; S. Czadzeck, Driesenga & Associates; G. Hodge, Hodge Construction; D. Medendorp, 3172 MacArthur.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of October 14, 2004 was made by L. Spataro, supported by T. Johnson and unanimously approved.

P. Sartorius stated that Mr. Medendorp would like to update the commission members on his proposal which was brought before them at the October meeting regarding the property at the corner of Lakeshore and McCracken. This would be for informational purposes only. This would be done at the end of the meeting for about 10 minutes should the commission decide to hear it.

The commission members agreed to hear an update.

PUBLIC HEARINGS

Hearing; Case 2003-40: Request for a special land use permit to allow in an H Heritage zone district, per section 2001(1) of the City Zoning Ordinance, any retail business or service establishments permitted as Principal Uses Permitted in the B-1 District at 607 & 611 West Clay Avenue, by Brenda Moore. L. Anguilm presented the staff report. 1) The subject property is located on the south side of West Clay Avenue, just west of the intersection of Seventh Street. The adjacent property to the west is zoned I-1 Light Industrial, while the other surrounding properties are zoned H Heritage. Uses of the properties across West Clay include the former Boilerworks building and the Muskegon Eagles club. On the industrial property is a printing shop; to the east and south are single family residences. 2) The applicant's current plans to develop retail and/or office space within the historic former gas station building being relocated to the site. Future plans include a new office/retail building located to the rear of the property.

To move forward with such plans, the Heritage district requires Special Land Use permit approval for any retail/office uses, though the uses allowed are limited to those that are principal uses within the B-1 Limited Business District, and review by the Historic District Commission. The HDC reviewed and approved the applicant's proposal at their November 2, 2004 meeting.

3) The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or "change of use" will require sealed architectural blueprints be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued.

4) Staff has the following comments regarding the application and site plan, as submitted:

- a) A north arrow, vicinity map and parcel number are required on the plan.
- b) Total width of the two parcels should be indicated on the plan; total site area is required on the plan.
- c) Heights of proposed buildings are required on the plan.
- d) Area reference points for adjacent properties within 100 feet, including any drives or structures are required on the plan.
- e) Land use and zoning of the subject and abutting properties are required on the plan.
- f) Location and size of existing and proposed public utilities are required on the plan.
- g) Location of easements and existing public street, in and abutting the site, including pavement width and right-of-way lines are required on the plan.
- h) Proposed parking is shown on the plan with fewer spaces (5) than the maximum that might be required (8) if both buildings were utilized for retail uses in the future. Detailed floor plans are needed to accurately calculate the minimum number of required parking spaces. Up to 30% of required parking can be counted on street as part of the Downtown Parking Overlay District. Maximum lot coverage by asphalt is 25%; as shown on the plan it is slightly more than 25%. Parking areas are required to be paved, striped and curbed.
- i) Location of snow storage area is required on the plan.
- j) A landscape plan showing required planting and buffering features that comply with the ordinance is required. The lot frontage-landscaping requirement mandates two (2) canopy trees, four (4) understory or evergreen and four (4) shrubs be provided. Species, size and planting details are necessary. Fencing details and cross sections are required; front yard fencing may be no more than four (4) feet in height.
- k) Location, type, height and design of all outdoor lighting to be used on the site needs a detail on the plan. 100% cutoff light fixtures are required.
- l) Location and specifications for all solid waste disposal facilities, including recycling facilities, if any, are required on the plan (with cross sections of screening).
- m) Location and design of all signs and advertising features, including diagram of height and size of said signs are required on the plan.
- n) Location of fire lanes, fire lock box, hydrants, standpipes and security lighting are required on the plan.
- o) A signature block for the applicant, Zoning Administrator and Chair of the Planning Commission to be signed once the final site plan is approved.

The applicant's proposal is to relocate and reuse an historic gas station building within a Heritage zone district. Per the ordinance, "the H Heritage District is intended to permit land uses which promote a historic atmosphere, cultural and educational values, stabilize and improve property values, foster community beauty and pride ... " The plan to have retail and or office uses is allowable via Special Land Use permit approval by the Planning Commission. The applicant's proposal is therefore in conformity with the intent statement provided above. The site plan does have some deficiencies and a project narrative was not provided however, the necessary revisions and additional information required can be reviewed and approved by staff. Staff recommends approval of the request, with a condition, finding that the request substantially satisfies the Standards for Special Uses as stated in the zoning ordinance.

B. Mazade asked for clarification that the commission members were being asked to approve a

SUP for any use that would be allowed as a principle use under the B-1 zoning district. L. Anguilm stated that it was correct. B. Moore described the lighting that she would be using. There would be no dumpster because she is looking for a small scale use. She described the landscaping. She is working with an architect so the building would be up to building code requirements. The building is small and she didn't want to be limited to office or retail only. She might also need to have the side setback changed to 5 ft. There is another building that she is looking at moving to this location also. The change to a 5 ft. setback would allow more room to locate the other building to the rear of the property, if she does obtain it. Since this would be a smaller scale use, they would be able to utilize the on street parking of about 3 spaces. There would be 6-ft. screening as well as using wrought iron fencing in the front. T. Johnson asked where the property lines of the properties to the east were approximately. B. Moore stated that the homes facing 7th St. have back yards of about 20 ft. to 30 ft. The home on the corner facing Clay has a side yard of about 33 ft. She knows that there are parking problems in the area and she would be willing to allow them to use her property for parking in the evening while the businesses are closed. J. Doom stated that he owns a property on 7th St. and has some concerns about the parking in the wintertime. P. Sartorius stated that it would be between him and the owner. L. Spataro stated that he had attended a neighborhood association meeting and the several people there had asked who was doing this. Once they found out that it was Ms. Moore's, then they were okay with it.

A motion to close the public hearing was made by L. Spataro, supported by B. Smith and unanimously approved.

A motion that the Special Land Use permit and associated site plan for the office/retail use by Brenda Moore (BRIMO LLC), at 607 & 611 West Clay Avenue, be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance subject to the following condition: All requirements addressed in item #4 of the staff report shall be provided as needed and on a revised site plan for staff review and approval prior to the issuance of any building permit, was made by B. Mazade, supported by B. Smith and unanimously approved.

Hearing; Case 2003-41: Request for a special land use permit to allow in an R-1 single family residential zone district, per section 401(6)(a)(1) of the City Zoning Ordinance, a previously existing or established retail and/or service establishment meeting the intent of the neighborhood Limited Business Zone (B-1) for a skate board and apparel store at 1495 Palmer Avenue, by Jeff Krukowski. L. Anguilm presented the staff report. The subject property is located on the northeast corner of Palmer Avenue and Greeley Street, one block south of Laketon Avenue. The building was built for commercial uses and is not conducive to residential conversion. Some commercial use, in at least a portion of the building, has been maintained over time. In addition to the applicant's proposed retail use in Suite B, a pet-grooming store occupies Suite C and Suite A is vacant unit. The applicant is seeking Special Land Use permit approval per section 401 (6) of the ordinance, which authorizes a previously existing or established commercial use not already converted to a residential use. It was at the direction of staff that the entire property be included to achieve full authorization for the entire building. The property measures 66 feet by 66 feet (4,356 square feet) and provides two (2) off street parking spaces on a driveway between the adjacent single family residence and the structure occupying the property. An additional six (6) parking spaces are located in the public

right of way of Greeley Street. These spaces are unpaved, as is Greeley Street in this location, and are located in the terrace area. Three (3) on street spaces are available in front of the building, per section 401 (6) c. 5), totaling 11 spaces for the building. The Engineering Dept. has no immediate plan to pave Greeley Street. Staff recommends a condition that upon the improvement of Greeley Street, the terrace parking area being upgraded and paved as determined appropriate by the City Engineer. This may be done through a development agreement or special assessment to the property owner. The overall outside dimensions of the building are 50 feet by 57 feet, or 2,850 square feet in area. Gross floor areas for each Suite are: (A) 600 square feet; (B) 750 square feet; and (C) 1,140 square feet; requiring approximately 2, 2.5 and 3.8 parking spaces each, respectively, or rounded off a grand total of eight (8) spaces. At the rear of Suite A is an assumed storage area measuring 12 feet by 30 feet, or 360 square feet in area. This translates to a gross usable floor area of 2,490 square feet, 10 fewer square feet than the maximum that may be devoted to all approved uses. Staff is still working with the applicant to develop an acceptable site plan. As the site has been developed for quite some time, and the building occupies most of the site, the plan will not need to be as detailed as for a new development. Most significant is the assurance adequate parking is provided, which appears to have been done. The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or "change of use" will require sealed architectural blueprints be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued. Though the applicant's proposed retail use, which includes sporting goods, such as skate boards and maintenance parts, and apparel is not a specifically listed retail use, staff feels that it has enough similarities to the retail and service establishments that are permitted to warrant consideration by the Planning Commission. The approval of this Special Land Use permit request would also authorize the pet grooming store, while possibly allowing for an additional use in the rear of the building in Suite A. Because there is a potential for increased traffic with three units in the building, staff suggests the Planning Commission consider limiting the number of available units, for any permitted use, to two units utilizing the existing storefronts. Staff has reviewed the applicant's proposed hours of operation and finds them acceptable. The hours of operation should be established as such as a condition of approval. Further, staff also recommends a condition that no alcohol sales shall be allowed on the property. Based upon the review, and the finding that the Standards for Special Uses have been substantially satisfied, staff recommends approval of the request subject to conditions. Staff received the following phone calls: Shelly Zuder (CPA office) as well as the owner of the Tax Service had concerns about the parking in the area.

J. Krukowski described the items that he would like to sell at the site. M. Anderson (owner of the building) gave the history of the building. His wife owns the dog grooming business located in one suite of the building. Her business hasn't encroached on any other parking area. There is ample parking on the lot by Palmer Hall. He also plans on improving the parking area on his property. L. Spataro stated that he had attended the neighborhood association meeting. There were about a dozen people at the meeting and the general consensus at the meeting was in support of this project.

A motion to close the public hearing was made by T. Johnson, supported by L. Spataro and unanimously approved.

B. Smith asked Mr. Anderson if he would be willing to pave his parking lot. M. Anderson stated that there is gravel now, and as more money comes in he will improve it.

A motion that the special use permit and associated site plan authorizing the previously existing or established commercial uses at 1495 Palmer Avenue be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance subject to the following conditions: 1) Upon the improvement of Greeley Street, the terrace parking area being upgraded and paved as determined appropriate by the City Engineer. This may be done through a development agreement or special assessment to the property owner. 2) Limiting the number of available units, for any permitted use, to two units utilizing the existing storefronts. 3) No alcohol sales shall be allowed on the property, was made by L. Spataro, supported by B. Smith and unanimously approved.

Hearing; Case 2004-30: Request for revised site plan approval under a previously approved special use permit for a church expansion in an R-1, Single Family Residential zone at 1404 8th Street, by Steve Czadzeck (Driesenga & Associates). L. Anguilm presented the staff report. 1) The initial request for the Special Land Use permit was conditionally approved at the August 12, 2004 meeting. The Planning Commission approved the expansion of the previously existing church pursuant to a parking agreement being obtained. The representatives of Walker's Temple Church could not get an agreement from Muskegon Public Schools that satisfied the requirements of the parking ordinance. At this same time, the applicant has also applied to the Zoning Board of Appeals for a variance from the shared parking agreement requirement. If the request is denied by the ZBA, the applicant is willing to change the site plan to accommodate onsite parking. The ZBA approved the request. 2) In addition to providing the parking on site, the building size and layout has changed with this plan. 3) The Engineering Department has accepted the proposed plan without comment. Other department comments have not been received at this time. 4) Planning staff review found two very minor discrepancies on the plan that can be addressed when applying for a building permit, which are: a) Thirteen (13) Chinese Junipers are shown, whereas the table calls for 14. b) Site Plan Notes [C] and [O] could not be located on the site plan. The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or "change of use" will require sealed architectural blueprints be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued. Staff recommends approval of the revised site plan without further conditions. A new site plan had been submitted just before the meeting. The size of the building had been reduced and shifted. The parking had also been changed. The storm water would remain on the site.

B. Mazade asked if the driveway would be off Monroe. S. Czadzeck stated that the proposed new drive had been eliminated as part of the site plan. T. Johnson asked if the barrier free parking would be located to the rear of the building with the rest of the parking being on the Nelson School parking lot. S. Czadzeck stated that was correct.

A motion to close the public hearing was made by B. Smith, supported by T. Johnson and unanimously approved.

B. Mazade asked if staff was okay with the new plans. L. Anguilm stated that they were.

A motion that the revised site plan under a previously approved special use permit for a church expansion in an R-1 Single Family Residential zone for Walker's Temple Church, located at 1404 Eighth Street be approved, was made by B. Mazade, supported by T. Johnson and unanimously approved.

NEW BUSINESS

Case 2004-39: Request for site plan review for a new industrial building on property located at 1537 South Getty Street, zoned I-1, by Roger Walker (R. Walker Construction Co.). L. Anguilm presented the staff report. The site is located on Getty Street, between Lewis and Forest Avenues. The property was recently purchased by the applicant from the City of Muskegon. The applicant has provided all of the additional information or revisions requested by planning staff pursuant to the initial review of the plan. This includes such items as: a) A sidewalk accommodating existing mature trees; b) Cross access connections to both adjacent properties. c) A detailed landscaping plan, which utilizes retention areas a landscaping features. The Engineering and Police Departments accepted the proposed plan without comment. The Fire Department had the following comment: Dumpster shall be placed at minimum distance of five (5) feet from the building. The Department of Public Works had the following comment: Provide water service and sewer service detail. Contact Kelly DeFrench at 724-4184 with questions. Staff recommends approval of the request with conditions.

L. Spataro asked about the size of the lot and the placement of the buildings. He wanted to know if they were going to split the lot off or leave room for possible expansion. L. Anguilm stated that the applicant had asked about splitting the lot for possible future development. P. Sartorius had some concerns about the placement of the retention basin.

A motion that the proposed site plan for a new industrial building on property located at 1537 South Getty Street be, approved, based on the following conditions: 1) Dumpster shall be placed at minimum distance of five (5) feet from the building. 2) Provide water service and sewer service detail. Contact Kelly DeFrench at 724-4184 with questions, was made by B. Mazade, supported by L. Spataro and unanimously approved.

OTHER

Update on project for the properties located at 2111, 2123 and 2137 McCracken Street and also 2117 and 2125 Lakeshore Drive. G. Hodge and D. Medendorp presented the commission members with a different proposal that they had come up with based on the last meeting. They were looking for any input the commission might have. P. Sartorius suggested they go back to the neighborhood association and present it to them for their input.

There being no further business, the meeting adjourned at 5:06 p.m.

hmg